

**REMARKS**

In the above-referenced Final Office Action, the Examiner has rejected Claims 1-4, 8-14, 18-20, 31-34, 38-44, 48-50, 61-64, 68-74, 78-80 and 91-105 under 35 U.S.C. §102(b) as being anticipated by Olich (U.S. 5,298,904). Applicants respectfully disagree and traverse the above rejections.

**Rejections under 35 U.S.C. §102**

The Claims (as recited in independent Claims 1, 31, 61 and 91 and included by dependence by all other Claims) recite several key features that are not taught in or suggested by Olich, as was pointed out by Applicants in the response to the previous Office Action filed on September 12, 2003.

In the Final Office Action, the Examiner's Response to Arguments states that Applicants argued that the prior art does not show "detecting the phase of the returned carrier signals". In fact, Applicants argued that within the master unit of Olich, which is the apparatus that was being compared to the subject matter of the above-listed Claims, that there was no "phase detector for comparing the phase of each of the carriers of the second RF signal to the phase of each of the corresponding carriers of the third RF signal" as recited in the above-listed Claims.

In the Final Office Action, the Examiner cites Figure 5 unit 311 and 323 as disclosing detecting the phase of the returned carrier signals. However, unit 311 and 323 are located within subsystem 23, which is the remote transceiver and not the master unit at all (subsystem 23 is located at the hole of Olich). Therefore, units 311 and 323 cannot measure the phase of the returned signal, as the returned signal is received at the master unit. In particular, the second RF signal recited in the above-listed Claims

is received by a receiver from a remote device and the phase comparison is made with a locally generated third RF signal. The text referred to by the Examiner at col. 2-3, lines 45-43 also does not disclose a phase detector within the master unit that measures the carrier phase of returned signals. The phase measurement described at col. 3, lines 32-43 is made in the remote device and is not made on returned signals. Therefore neither the text nor the Figure cited by the Examiner discloses the claimed invention.

If the subject device (master unit) were taken as subsystem 23, the above-listed Claims would still not be anticipated by Olich, as the receiver in subsystem 23 does not receive a signal phase-locked with the transmission from subsystem 23, nor does subsystem 23 provide a processor for determining distance.

Therefore, Applicants believe that the rejections under 35 U.S.C. §102(b) should be reversed because Olich does not teach a master unit that detects the phase of carrier signals returned from a remote device.

Further, the Examiner indicated in the Response to [Applicants] Arguments that Olich shows a second RF signal including a sequence of carriers corresponding to the carrier of the first signal as recited in the Claims. Applicants respectfully disagree. The Examiner has not shown that Olich discloses a device having a receiver that receives such second RF signal as recited in the Claims in a master unit. The portion of Olich referred to by the Examiner describes the operation of remote subsystem 23 as well as master unit 21. Assuming the Examiner intends that the disclosure of the master unit is the disclosure of the claimed device for the reasons stated above that remote unit 23 lacks significant other features of the Claimed invention, then master unit does not have a receiver that receives

such second RF signal. While two discrete frequencies are transmitted in sequence by the master unit 21, the remote unit 23 transmits only one frequency (318Mhz as recited in col. 9 line 61 to col. 10 line 21 of Olich and observable by the fact that remote unit 23 transmits the oscillator 329 signal). Therefore, the receiver in master unit 21 does not receive "a second RF signal including a sequence of carriers corresponding to the carriers of the first RF signal" as recited in the Claims. The receiver in master unit 21 receives only a single frequency. Further, the processor in master unit 21 cannot "calculate an estimated slope of the sequence of phase offsets relative to the frequencies of the second RF signal" as the second RF signal in Olich only has one frequency. Thus for yet another reason, Applicants believe that Olich does not anticipate the Claimed invention.

For all of the reasons stated above, Olich does not teach the elements and functional relationships recited in Claims 1, 31 and 61. Thus Applicants believe that Claims 1, 31 and 61 as well as all claims depending therefrom should be allowed.

Claim 91 recites a method requiring reception of a sequence of signals having multiple carriers at different frequencies wherein each of the multiple carriers are phase coherent with the transmitted first signal, generating multiple phase offsets between the first and second signal, and calculating an estimated slope of phase offsets vs. the frequencies of the received signal. For the same reasons stated above with respect to Claims 1, 31 and 61 the combination of elements of Claim 91 is not taught or suggested

by Olich. Thus Applicants believe that Claim 91 and claims depending therefrom should be allowed.

Therefore, Applicants believe that the rejections under  
under 35 U.S.C. §102(b) are overcome.

CONCLUSION

In conclusion, Applicants respectfully submit that this Response, in view of the Remarks offered in conjunction therewith, is fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicants respectfully submit that they have demonstrated that the above-identified Patent Application, including Claims 1-20, 31-50, 61-80 and 91-105, is in condition for allowance. Such action is earnestly solicited.

It is not believed that this Response letter requires any fee, but if there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account NO. 23-0830.

Respectfully submitted,

*Andrew M. Harris /per*

Andrew M. Harris  
Reg. 42,638  
(706) 782-9683  
Weiss, Moy & Harris, P.C.  
4204 North Brown Ave.  
Scottsdale, AZ 85251